

USSN 09/500,698
Page 11 of 16

REMARKS

This response is intended as a full and complete response to the Office Action mailed August 12, 2005. Claims 1, 3, 4, 6-35, 39, 41-48, and 50 are pending.

Applicant does not acquiesce to any characterizations in the Office Action of the art of record and the claimed subject matter or to any statements in the Office Action as to the applicability of the art of record to the claims.

Applicant traverses all of the rejections in the Office Action and respectfully requests reconsideration and passage of the claims to allowance for the following reasons.

The Office Action rejected claims 1, 3-4, 6-34, 39, 41-48 and 50 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,936,659 to Viswanathan et al. ("Viswanathan") in view of U.S. Patent No. 6,212,681 to Ikeda ("Ikeda") and further in view of U.S. Patent No. 6,047,317 to Bisdikian et al. ("Bisdikian").

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP §2143.

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Viswanathan/Ikeda/Bisdikian fails to teach all of the claim elements.

Claim 1 recites as follows:

"A method for receiving data via multiple channel broadcast media, comprising:
receiving a request for a desired data object, said desired data object

407268_1

USSN 09/500,698
Page 12 of 16

being associated with a first-level name;
obtaining any second-level names associated with said first-level name, said second-level names being associated with respective low-level data objects constituting at least a portion of said desired data object; and
obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of multiple channels for propagating data associated with said low-level data objects;
wherein said desired data object is a web page comprising a plurality of low-level data objects adapted for display in a preferred presentation order defined by priority rankings included within said location information."

Viswanathan discloses a method for video delivery using pyramid broadcasting. In essence, popular video programming is segmented into several groups of programming segments, where each group of segments includes larger segments than a previous group. The video programming segments are broadcast via a plurality of logical channels such that an end-user may quickly retrieve and present the appropriate portion of the broadcast video programming. This has absolutely nothing to do with the claimed invention.

The Examiner contends that the step of "receiving a request for a desired data object..." is met by column 5, lines 63-67 of the reference. The cited portion merely indicates that audio and video objects were used in a trial as data objects, that the video objects were all of the same size and that the video or audio objects were selected via a menu-driven interface. There is no teaching of a first-level name being associated with the objects, as claimed herein.

The Examiner contends that the claimed first-level and second-level names associated with low-level data are somehow disclosed by the reference at its summary of invention portion. Applicant strongly disagrees. There is simply no suggestion of any type of addressing scheme in the cited reference. The claimed invention is very specific in its language; namely, the first-level and second-level names as claimed to find particular data structures, and direct and indirect addressing mechanisms. The mere fact that the reference provides that different segments of a movie are streamed via various logical channels does not mean that the addressing scheme utilized within the context of the claimed invention is taught.

USSN 09/500,698
Page 13 of 16

Quite the contrary, Applicant respectfully notes that the various segments are stored and delivered in a predefined manner, which simply does not use the naming conventions of the present invention.

Applicant agrees with the Examiner's statement that the reference fails "to explicitly teach obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of multiple channels for propagating data associated with low-level data objects."

The substantial gap between the Viswanathan reference and the claimed invention is simply not bridged by either of the Ikeda or Bisdikian references, either singly or in any allowable combination.

Specifically, the Ikeda reference discloses an information processing apparatus and method in a data transfer network. Even assuming, arguendo, that the Ikeda reference teaches "provisioning multiple channels and location information identifying the signed channels for propagating the requested data," (which it doesn't) the gap between the claimed invention and the other reference is simply not bridged due to the differences between Viswanathan and the claimed invention. In addition to the differences discussed above with respect to the Viswanathan reference, the Ikeda reference does not disclose or suggest the first-level and second-level names as claimed herein, nor does the reference disclose or suggest obtaining location information as claimed herein. In brief, the Ikeda reference is entirely different from the claimed invention and does not supply immediate teachings to bridge the gap between the Viswanathan reference in the claimed invention.

Applicant agrees with the Examiner's statement that these first two references (as discussed above) fail to "explicitly teach the limitation wherein said desired data object is a web page comprising a plurality of low-level data objects adapted for display and a preferred presentation order defined by priority rankings included within said location information."

The substantial gap between the previous two references and the claimed invention is simply not bridged by the addition of the Bisdikian reference. The

USSN 09/500,698
Page 14 of 16

Bisdikian reference provides a video presentation system receiving a plurality of image frame series that are cyclically transmitted, where multiple copies of higher priority digital data segments are provided in each image frame series to enable a reduction in image access time. While interesting, the teachings of this reference do not somehow transform the previous two references into the claimed invention.

The claimed "preferred presentation order" is "defined by priority rankings included within said location information." The claimed "priority rankings" are not the same as the priority digital data segments noted by the Examiner. The priority digital data segments of Bisdikian are simply those digital data segments that are retransmitted more frequently such that the time a user must wait to access a priority segment is reduced. By contrast, the claimed "priority rankings" define "a preferred presentation order." These are different concepts.

The above three cited references provide very different teachings than disclosed and claimed herein. The cited references suffer many deficiencies as applied to the claimed invention, some of such deficiencies being discussed above. Applicant respectfully requests that the Examiner's rejection of the claimed invention based on these references be withdrawn with respect to claim 1.

Therefore, Applicant submits that claim 1 is patentable over the above-cited references, either singly or in any allowable combination. Moreover, since claim 39 recites relevant limitations similar to those discussed above respect to claim 1, it is also submitted that claim 39 is patentable over the cited references for at least the reasons discussed above with respect to claim 1. In addition, claims 22, 31, 48 and 50 are also patentable over the various references for the reasons discussed above with respect to claim 1. Finally, all of the remaining claims depend from claims 1, 22, 31, 39, 48 or 50 and recite additional limitations therefrom. Therefore, all of these dependent claims are patentable for at least the reasons discussed herein with respect to the various independent claims.

Further with respect to claim 6, the cited portions of, for example, the Ikeda reference indicate that "commonly held management information contains a usage condition of each channel of the video/game decoder devices 6 and 7 and other

USSN 09/500,698
Page 15 of 16

additional information." Applicant notes that this management information pertains to a channel usage condition, not a bandwidth parameter associated with a low-level data object. Moreover, the related portions of this reference cited by the Examiner indicate that where a hard disk drive has room to store information, the information may be stored on that drive; and where sufficient bandwidth is available to transfer video, that video may be transferred (and so on). While these are common storage and delivery concepts, they do not disclose or suggest the claimed "said location information indicates for each low-level data object a location parameter, a size parameter and a bandwidth parameter." As such, it is respectfully requested that the Examiner's rejection of claim 6 be withdrawn for this reason as well as the reasons discussed above with respect to claim 1.

Applicant urges the Examiner to consider the applicability of the cited references to all of the remaining claims. The cited references exhibit various deficiencies as applied to the claimed invention, which deficiencies render the references insufficient to disclose or suggest the claimed invention.

407266_1

USSN 09/500,698
Page 16 of 16

CONCLUSION

Thus, Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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407266_1